

Carl E. Kingston, Bar #1836
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Attorney for Paul E. Kingston

**THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

Amanda Rae Grant; Jenny Kingston; Jana Nicole Johnson; Julie Ruth Green; Michelle Ruth Michaels; Allison Eames, Priscilla Tucker, Brenda Collins, Katie Martin, and Mary Ann Robinson,

Plaintiffs,

vs.

Paul Elden Kingston, John Daniel Kingston, Sr., Hyrum Dalton Kingston, David Ortell Kingston, Jesse Orvil Kingston, Jason Ortell Kingston, Rachel Orlean Kingston Young, John Paul Johnson, Jacob Daniel Kingston, Jr., Jacob Ortell Kingston, Sr., Sally Kingston, John Daniel Kingston, Jr., Daniel Charles Kingston, Patricia Kingston, Paul Elden Kingston, Jr., Michelle Afton Michaels, Deborah Williams, Jolene Andrews, , April McKay, Valarie Martin, Kent William Johnson, Individual Does 1 through 50, Davis County Cooperative Society, Inc. dba Redwood Grocery & Health Foods and John's Market Place, Latter Day Church of Christ, dba, ZMPC and LDCC, A-1 Disposal, Management Business Systems, Inc., Advanced Copy, Ensign Learning Center, Inc., Vanguard Academy, Advanced Vending, A&W Restaurants, The Food Group, LLC, United Fuel Supply, Washakie Farm, Order Bank aka the "Office" aka the "Century Office," Family Stores True Value, Standard Restaurant Supply, AAA Communications, Washakie Renewable Energy, LLC, Fidelity Lending, Property Compliance, aka Arrow Real Estate, Attco Trucking aka CTC Trucking, American Digital Systems, Garco Property Management, American Wellness & Rehab Clinic, A-Action Express, Mitchell & Associates, A-Fab Engineering, Sierra Wholesale, and Corporate Does 50 through 500,

Defendants.

**MOTION TO QUASH,
FOR PROTECTIVE ORDER,
AND FOR SANCTIONS**

Case No.

2:24-cv-00155-JCB

Judge

Magistrate Judge

Jared C. Bennett

Paul E. Kingston moves the Court to quash twenty Summonses directed to “Paul Elden Kingston as officer, agent, managing agent and/or general agent of the Order Bank, aka The Office, aka The Century Office.” All of the summonses are improper both in form and substance, and amount to harrassment. Kingston further requests a protective order against further use of process to harass him and innocent nonparties, and for sanctions for the harassment to date.

THE ALLEGED DEFENDANT

Attorney Roger H. Hoole filed a Complaint that names as a defendant “Order Bank aka the ‘Office’ aka the ‘Century Office.’” The Complaint alleges at ¶ 61, “Defendant Order Bank (aka the ‘Office’ aka the ‘Century Office’) is not a real banking organization, but rather a set of offices with the main office located at 53 West Angelo Ave, Salt Lake City, Utah and a larger office at 10 Century Park Way, Salt Lake City, Utah.” In other words, Hoole knows that this ersatz “defendant” is only “a set of offices”, not an entity at all, and therefore is not subject to suit.

REQUIREMENTS FOR SUMMONS TO AN ENTITY

Federal Rule of Civil Procedure 4(a)(1)(B) requires that “A summons must be directed to the defendant.” Rule 4(h)(1) requires that process on an entity be served “by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process.”

THE SUMMONSES

Attorney Hoole either drafted or directed the drafting of no less than twenty Summonses directed, not to the phony defendant, but to “Paul Elden Kingston as officer, agent, managing agent and/or general agent of the Order Bank, aka The Office, aka The Century Office.” He caused the Clerk of Court to issue the attached Summonses. The Summonses are addressed for

service to:

C/O Paul Elden Kingston or Patty Kingson or another resident
633 East Mt. Vernon Circle, Murray. UT 84107

C/O Paul Elden Kingston or Richaun Knight or another
resident 5133 S. Huntington Road, Taylorsville. LIT 84129

C/O Paul Elden Kingston or Natalie Allen or another resident
772 South 1800 West, Woods Cross, UT 84087

C/O Paul Elden Kingston or Dorothy Sanders or another resident
53 W. Angelo Ave Salt Lake City, UT 84115

C/O Paul Elden Kingston or Spring Tucker Prescott or another
resident 53 W. Angelo Ave, Salt Lake City, UT 84116

C/O Paul Elden Kingston or Betsy Spencer or another
resident 3516 South 800 West, Bountiful, UT 84010

C/O Paul Elden Kingston or Paula Gustafson or another resident
190 East 9100 South, Sandy. UT 84070

C/O Paul Elden Kingston or Erin Campbell or another
resident 4854 W Shayn Hill Dr, West Jordan, UT 84081

C/O Paul Elden Kingston or Tamara Stowell or another
resident 3500 S. West Temple, Salt Lake City. UT 84115

C/O Paul Elden Kingston or Nichole Peterson or another
resident 2973 W Mackay Meadows Pl, West Valley City, UT
84119

C/O Paul Elden Kingston or Melanie Sessions or another
resident 3082 W. Hialeah Rd, West Valley City. UT 84119

C/O Paul Elden Kingston or Diana Kingston Adams or another
resident 1798 South 900 East, Salt Lake City, UT 84105

C/O Paul Elden Kingston or Colleen Livingston or another
resident 2496 W. Dublin Drive, West Valley City, UT 84119

C/O Paul Elden Kingston or Anna Gardner or another
resident 1323 West 8605 South, West Jordan, UT 84088

C/O Paul Elden Kingston or Becca Keddington or another
resident 6710 South 2700 West, West Jordan, UT 84084

C/O Paul Elden Kingston or Grace Mitchell or another
resident 4915 S. Esther Circle, Salt Lake City. UT 84117

C/O Paul Elden Kingston or Cynthia Austin or another
resident 3460 South 335 East, Salt Lake City. UT 84115

C/O Paul Eiden Kingston or Julie Thomas or another resident

3476 West 3800 South, West Valley City. UT 84119

C/O Paul Elden Kingston or Jessie Ann Billings or another resident
3135 S. West Temple, Salt Lake City. UT 84115

C/O Paul Elden Kingston or Erika Cannon Davidson or another resident
3135 S. West Temple, Salt Lake City. UT 84115

Copies of the summonses are attached. Only the first address above (Mt. Vernon Circle) is Paul Kingston's residence. The Angelo Avenue address is an office building. It is not the address of the named defendant because there is no such defendant. 3500 S. West Temple is the business address of Standard Restaurant Supply Company, again not the address of the nonexistent defendant. The other addresses are residences, none of which are Kingston's residence.¹

ARGUMENT

I. THE SUMMONSES ARE IMPROPER.

The first glaring problem with the Summonses are that the alleged defendant, "Order Bank aka the Office aka the Century Office" is neither an individual nor an entity. It does not exist as an entity and is no more subject to service of process than the Easter Bunny. Even attorney Hoole admits as much by admitting in ¶ 61 of the Complaint that it is only "a set of offices". It was a violation of Fed. R. Civ. Proc. 11 for him even to allege this non-entity as a defendant.

The next problem is that Rule 4(a)(1)(B) requires "A summons must be directed to the defendant," and none of the Summonses are directed to the (nonexistent) defendant. Instead, Hoole directed the Summonses to "Paul Elden Kingston as officer, agent, managing agent and/or

¹ "The Century Office" is an apparent reference to an office building located at 10 West Century Park Way, South Salt Lake, Utah. None of the Summonses are directed for service at that location. Hoole knows this, and admits as much in paragraph 61 of the Complaint.

general agent” of the defendant. Kingston is not the defendant. What is more, Kingston is not an officer, agent, managing agent and/or general agent of the defendant. Nobody is or could possibly be, authorized to accept service, because there is no such entity as “Order Bank aka the Office aka the Century Office”. This is not a Rule 11 violation only because the Summonses are signed by the Clerk of Court rather than Hoole, and are not yet filed with the Court. However, Hoole perpetrated a fraud on the Court by causing the Court to issue the Summonses.

Finally, the Summonses are issued “C/O Paul Elden Kingston or [various other names] or another resident” at various addresses, only one of which is Kingston’s residence. Three of the Summonses are directed at addresses that are not locations either for Kingston or the ersatz Defendant. It is highly improper for Hoole to direct his agents to disturb and harass individuals at their homes, innocent folks whom he knows full well could not possibly be agents authorized to receive process for his nonexistent defendant.

For the above reasons, Kingston respectfully asks the Court to quash all of the above Summonses.

II. THE COURT SHOULD ISSUE A PROTECTIVE ORDER.

Hoole had no legitimate reason to obtain the above Summonses. They could never be used to obtain service of process, or hail into court an alleged entity that does not exist. The only effect if not the sole purpose of the Summonses is to harass Kingston, and other individuals obviously not proper agents for service of process, by harassing those individuals, disturbing their peace of mind in their own homes. Kingston asks the Court to order that Plaintiffs and their attorneys be barred from contacting those individuals or appearing at their homes for any reason.

III. THE COURT SHOULD SANCTION HOOLE.

"It is settled that federal courts have the inherent power to tax counsel fees or sanction

litigants for abusive litigation.” *Marley v. Wright*, 968 F.2d 20 (10th Cir. 1993), citing *Chambers v. NASCO, Inc.*, 111 S.Ct. 2123, 2128 (1991) and *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 764-67 (1980). Hoole’s use of the above Summonses is abusive litigation. Kingston asks the Court to tax Hoole with Kingston’s attorney fees in bringing this Motion.

DATED April 19, 2024.

s/Carl E. Kingston
Carl E. Kingston
Attorney for Paul E. Kingston

CERTIFICATE OF SERVICE

I certify that on the above date this Motion was served on all parties who have entered their appearance through counsel by e-filing the same with the Court.

Gayle McKenzie

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Utah

Amanda Rae Grant, et al.,

Plaintiff(s)

v.

Paul Elden Kingston, Sr., et al.,

Defendant(s)

Civil Action No. 2:24-cv-00155-JCB

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Paul Elden Kingston as officer, agent, managing agent and/or general agent
of the Order Bank, aka The Office, aka The Century Office
C/O Paul Elden Kingston or Patty Kingson or another resident
633 East Mt. Vernon Circle
Murray, UT 84107 (1)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Roger H. Hoole (5089)
HOOLE & KING, L.C.
4276 S. Highland Drive
Salt Lake City, UT 84124
Telephone: (801) 272-7556
rogerh@hooleking.com

Jaclyn J. Robertson (11951)
JR LAW GROUP, PLLC
244 West 4860 South
Salt Lake City, UT 84107
Telephone: (801) 297-8545
jrobertson@jrlawgroup.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 04/09/2024



Gary P Serdar
CLERK OF COURT

Stephanie Garcia

Signature of Clerk or Deputy Clerk

Stephanie Parier
Signature of Clerk or Deputy

Katy Cerna
Signature of Clerk or Deputy Clerk

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v.

Paul Elden Kingston, Sr., et al.,

Defendant(s)

Civil Action No. 2:24-cv-00155-JCB

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Paul Elden Kingston as officer, agent, managing agent and/or general agent
of the Order Bank, aka The Office, aka The Century Office
C/O Paul Elden Kingston or Anna Gardner or another resident
1323 West 8605 South
West Jordan, UT 84088 (14)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

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CLERK OF COURT

Date: 04/09/2024



Katy Cerna
Signature of Clerk or Deputy Clerk

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Signature of Clerk or Deputy Clerk

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UNITED STATES DISTRICT COURT

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Plaintiff(s)

v.

Paul Elden Kingston, Sr., et al.,

Defendant(s)

Civil Action No. 2:24-cv-00155-JCB

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Paul Elden Kingston as officer, agent, managing agent and/or general agent
of the Order Bank, aka The Office, aka The Century Office
C/O Paul Elden Kingston or Melanie Sessions or another resident
3082 W. Hialeah Rd
West Valley City, UT 84119 (11)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

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for the

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Paul Elden Kingston, Sr., et al.,

Defendant(s)

Civil Action No. 2:24-cv-00155-JCB

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Paul Elden Kingston as officer, agent, managing agent and/or general agent
of the Order Bank, aka The Office, aka The Century Office
C/O Paul Elden Kingston or Tamara Stowell or another resident
3500 S. West Temple
Salt Lake City, UT 84115 (9)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

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Stephanie Garcia

Signature of Clerk or Deputy Clerk

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Plaintiff(s)

v.

Paul Elden Kingston, Sr., et al.,

Defendant(s)

Civil Action No. 2:24-cv-00155-JCB

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Paul Elden Kingston as officer, agent, managing agent and/or general agent
of the Order Bank, aka The Office, aka The Century Office
C/O Paul Elden Kingston or Erin Campbell or another resident
4854 W Shayn Hill Dr
West Jordan, UT 84081 (8)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

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Signature of Clerk or Deputy Clerk

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Plaintiff(s)

v.

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Defendant(s)

Civil Action No. 2:24-cv-00155-JCB

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To: *(Defendant's name and address)* Paul Elden Kingston as officer, agent, managing agent and/or general agent
of the Order Bank, aka The Office, aka The Century Office
C/O Paul Elden Kingston or Spring Tucker Prescott or another resident
53 W. Angelo Ave
Salt Lake City, UT 84115 (7)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

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Date: 04/09/2024



Stephanie Garcia

Signature of Clerk or Deputy Clerk



Signature of Clerk or Deputy Clerk

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SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Paul Elden Kingston as officer, agent, managing agent and/or general agent of the Order Bank, aka The Office, aka The Century Office
C/O Paul Elden Kingston or Natalie Allen or another resident
772 South 1800 West
Woods Cross, UT 84087 (3)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

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CLERK OF COURT

Stephanie Garcia

Signature of Clerk or Deputy Clerk

Date: 04/09/2024



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